

REMARKS

Claim 17 is the only independent claim that stands rejected. Applicants will focus on this claim in the following arguments, as it is respectfully submitted that the Eckhof reference neither anticipates nor renders obvious the elements of this claim.

Claim 17 recites a *method for locking a bone screw to a clamping element*. The claim sets forth, *inter alia*, the following steps:

- Providing a clamping element having *at least two snap catches*.
- The snap catches being *spaced around an edge of a screw hole*.
- Providing a bone screw with *a circumferential groove below a screw head* for receipt of the snap catches.
- Screwing the bone screw into a bone segment through a screw hole *until the snap catches interlock with the groove to secure the bone screw to the clamping element*.

The Examiner has attempted to read this structure onto the Eckhof reference. However, Eckhof does not disclose or suggest each of the elements noted above. In particular:

- The Examiner has labeled the shoulder 20 of Eckhof's bearing ring 6 as a "snap catch" and the step 13 of the bearing ring as a "groove." It is respectfully noted that the word "snap" is defined as "a clasp, catch, or other fastening device that operates with a snapping sound" (<http://www.thefreedictionary.com/snap>). Elements 13 and 20 of Eckhof do not meet this definition. Moreover, these elements do not "interlock ... to secure the bone screw to the clamping element" as required by Applicants' claim language. Shoulder 20 merely functions to restrict the insertion depth of the bone screw 1 into the bearing ring 6 (Eckhof col. 4, lines 52-55).

- The only snap catch in Eckhof is formed by the *single* circumferential rib 21 that mates with the *single* groove 16. To the contrary, Applicants' claim 17 requires "at least two snap catches." This fact alone overcomes the anticipation rejection set forth by the Examiner. Moreover, Eckhof's rib 21 is not "spaced around the edge of a screw hole." The hole in Eckhof is defined by the shoulder 20, which is well below the rib 21 and the groove 16 of bearing ring 6. Applicants' claim requires the snap catches to be *spaced around an edge of a screw hole*. Since the only snap catch in Eckhof is formed by the rib 21 that snaps into groove 16, and these elements are not spaced around the screw hole defined by shoulder 20, Applicants' claim 17 does not read on Eckhof.
- Eckhof does not provide a bone screw having a circumferential groove as claimed by Applicants. The circumferential groove 16 in Eckhof is not located on the bone screw. Instead, it is located on the bearing ring 6. Moreover, the groove 16 of Eckhof is not located "below a screw head" as required by claim 17.
- Even if the step 13 of Eckhof were considered to be a groove, as the Examiner contends, this "groove" would not receive snap catches as set forth in Applicants' claim 17. There is nothing that snaps into this "groove." Applicants respectfully submit that step 13 cannot even be fairly considered to be a groove. A "groove" is defined as "a long narrow furrow or channel" (<http://www.thefreedictionary.com/groove>). Element 13 is merely a step; not a groove.

The structure of Eckhof works by snapping widened portion 19 of bone screw 1 into a bearing ring 6 using a single rib 21 and a single mating groove 16 that both extend circumferentially within the interior of the bearing ring near the top of the screw head. Contrast this with Applicants' claim language, where:

1. At least two snap catches are spaced around an edge of a screw hole (Eckhof's single snap catch is provided well above the screw hole);

2. A circumferential groove is provided on the bone screw below the screw head for receipt of the snap catches (Eckhof's groove is located on the bearing ring 6 instead of on the bone screw, is not below the screw head, and receives only a single snap catch);
3. The bone screw is screwed into the bone segment until the snap catches (plural) interlock with the groove of the bone screw to secure the screw to the clamping element (Eckhof only has one snap catch and it does not interlock with a "groove of said bone screw" as required by Applicants' claim).

Finally, it is noted that the step 13 and shoulder 20 of Eckhof, which the Examiner equates to a groove and snap catch, do not "interlock" as required by the language of Applicants' claim

17. The term "interlock" is defined by <http://www.thefreedictionary.com/interlock> as:

1. To unite or join closely as by hooking or dovetailing.
2. To connect together (parts of a mechanism, for example) so that the individual parts affect each other in motion or operation.

v. intr.

To become united or joined closely, as by hooking or dovetailing.

Eckhof's step 13 and shoulder 20 only form an abutment, and not a plurality of snap catches which provide an interlocking function to secure the bone screw to the clamping element.

In view of the above, Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Eckhof, taken alone or in combination with any of the other prior art of record. Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

The Examiner is respectfully requested to reconsider this application, allow each of claims 17 and 20-29 together with already allowed claims 5, 6, 9-16 and 18-19, and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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